IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

WP(C).No. 9807 of 2007(P)

PETITIONER:

GANGA.V., LP/UP ASSISTANT,
PANCHAYATH UPS, ATTINPURAM, PANAVOOR PANCHAYAT,
THIRUVANANTHAPURAM.

BY ADV. SRI.MANOJ RAMASWAMY

RESPONDENTS:

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1. THE SECRETARY TO GOVERNMENT,
GENERAL EDUCATION DEPARTMENT, GOVERNMENT OF
KERALA, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DIRECTOR OF PUBLIC INSTRUCTIONS,
EDUCATION DIRECTORATE, THIRUVANANTHAPURAM.

3. THE SECRETARY,
PANAVOOR GRAMA PANCHAYATH, PANAVOOR P.O.,
THIRUVANANTHAPURAM.

4. THE SECRETARY,
PUNALUR MUNICIPALITY, PUNALUR.

BY GOVT.PLEADER SHRI T.T.MUHAMOOD FOR R1 & R2
ADV.SHRI B.KRISHNAMANI FOR R4.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX IN WPC.9807/07

PETITIONER'S EXHIBITS:

EXT.P1: TRUE COPY OF ORDER NO.A1.305/04 DATED 22.11.2004 ISSUED BY THE 3RD RESPONDENT.

EXT.P2: TRUE COPY OF THE ORDER NO.A1.170/03(3) DATED 3.8.2006 ISSUED BY THE 3RD RESPONDENT.

EXT.P3: TRUE COPY OF THE REPRESENTATION DATED 18.7.2005 ADDRESSED TO THE 1ST RESPONDENT.

EXT.P4: TRUE COPY OF THE DECLARATION ISSUED BY THE 3RD RESPONDENT DATED 13.7.2005.

EXT.P5: TRUE COPY OF THE DECISION DATED 11.4.2005 ISSUED BY THE 4TH RESPONDENT.

EXT.P6: TRUE COPY OF THE ORDER NO.41836/H1/05/G.EDN.DATED 29.9.2006 ISSUED BY THE 1ST RESPONDENT.

EXT.P7: TRUE COPY OF THE ORDER GO.(RT)NO.3186/05/G.EDN. DATED 27.6.2005 ISSUED BY THE 1ST RESPONDENT.

EXT.P8: TRUE COPY OF THE REPRESENTATION DATED 16.1.2007 SUBMITTED BEFORE THE 1ST RESPONDENT.

TRUE COPY

A.K. BASHEER, J.

W.P.(C). NO. 9807 OF 2007

Dated this the 7th day of June, 2007

J U D G M E N T

Petitioner is now working in Attinpuram Panchayat Upper Primary School in Panavoor Grama Panchayat. She sought transfer to the school managed by Punalur Municipality. But the said request was turned down by the Government in Ext.P6 order relying two decisions of this court reported in ***Sreedharan v. State of Kerala*** [1993 (1) KLT 334] and ***Kalavathy v. Sabeen***a[1993 (2) KLT 261].

2. It is the contention of the petitioner that the two decisions referred to above have no relevance or application to the facts available in this case. It is also pointed out by the learned counsel that the legal statutory body, the management of the school, where the petitioner is now working has no objection in relieving the petitioner. Similarly the other management has also no objection in accommodating the petitioner in their school.

3. Anyhow, I do not propose to deal with the above contention since learned counsel submits that petitioner will be satisfied if an appropriate direction is issued to respondent No.1 to

reconsider the matter in view of the error apparent on the face of the impugned order. Petitioner has preferred Ext.P8 application requesting for a reconsideration of the decision already taken by the Government. Learned Government Pleader submits that the Government has no objection in taking a fresh look at the matter in the light of the above contentions raised by the petitioner. It is made clear that I have not considered the merit of the contentions.

Ext.P6 is set aside. Respondent No.1 is directed to consider and pass fresh orders on Ext.P8 strictly on its merit and in accordance with law as expeditiously as possible, at any rate, within a period of two months from the date of receipt of a copy of this judgment. Needless to mention, respondent No.1 shall ensure that the petitioner and the managers of the two schools are afforded sufficient opportunity to be heard before any decision is taken. Petitioner shall produce a certified copy of the judgment along with a copy of the writ petition before respondent No.1 for compliance.

A.K. BASHEER, JUDGE

vps

A.K. BASHEER, JUDGE

OP NO.20954/00

JUDGMENT

1ST MARCH, 2007